

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 OES-06 SSO-00 NSCE-00 USIE-00 INRE-00

ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02 INR-07 INT-05

IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01

PM-04 PRS-01 SP-02 SS-15 SAL-01 ARAE-00 /118 W

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O 221630Z JUL 76 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 6323

C O N F I D E N T I A L MEXICO 9390

FOR ROGERS, MAW, IRVING FROM RIDGWAY

E.O. 11652: GDS

TAGS: EFIS, MX, PLOS

SUBJ: US/GOM FISHERIES NEGOTIATIONS

REF: MEXICO 9337

SUMMARY: GOM SHIFT IN POSITION ON PRINCIPLE OF
ACCESS FOR PART OF U.S. SHRIMP FLEET TO MEXICAN 200
MILE ZONE, AND RESULTING PROSPECT OF EARLY AGREEMENT,
IS BEING CALLED INTO SERIOUS QUESTION. GOM POSITIONS AND,
MORE IMPORTANTLY, ATTITUDES IN DEVELOPMENT OF FULL
AGREEMENT SUGGEST ACCESS TO ALL FISHERIES WOULD BE
DENIED IN PRACTICE THROUGH IMPOSITION OF UNREASONABLE
TERMS AND CONDITIONS ON ACCESS. THIS ROUND OF TALKS
WILL END WITHOUT AGREEMENT LESS THAN TEN DAYS BEFORE
MEXICO COMMENCES ENFORCEMENT OF ITS ZONE. END
SUMMARY.

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1. I AM CONCERNED THAT NEW GOM POSITION ON SHRIMP,

REPORTED REFTTEL, AS WELL AS GOM WILLINGNESS TO GRANT ACCESS FOR OTHER FISHERIES IN ITS ZONE, WILL PROVE ILLUSORY. THE TWO DELEGATIONS HAVE AGREED, OR ARE WITHIN STRIKING DISTANCE, ON THE BASIC PRINCIPLES OF ACCESS FOR MOST U.S. FISHERMEN TO THEIR FISHERIES, THE SIZE OF PERMITTED CATCH, NUMBER OF VESSELS. HOWEVER, AS WE PROCEED TO ELABORATE THE DETAILS OF THE AGREEMENT, A PATTERN IS DEVELOPING IN WHICH THE MEXDEL CONSISTENTLY TAKES AND STICKS ON POSITIONS THAT INEVITABLY UNDERMINE THE BASIC AGREED POINT.

2. THIS PATTERN TAKES TWO FORMS. FIRST, AS THE FULL PICTURE OF TECHNICAL CONDITIONS, PROCEDURES AND FEES EVOLVES, WE SEE A NEVER-ENDING ACCUMULATION OF RESTRICTIONS AND COSTS THAT, TAKEN AS A WHOLE, CLOSES OR SEVERELY RESTRICTS ACCESS THROUGH DISINCENTIVES. SECOND, IN THE NEGOTIATION OF AN AGREEMENT TEXT CONTAINING PRINCIPLES APPLICABLE TO OUR FUTURE FISHERIES RELATIONSHIP, WE FIND THAT THE MEXDEL IS UNWILLING TO ACCEPT BASIC AND NON-CONTROVERSIAL OBLIGATIONS OR FACTORS TO BE TAKEN INTO ACCOUNT IN FAVOR OF U.S. INTEREST, EVEN IN LANGUAGE DRAWN FROM LOS NEGOTIATING TEXT IF THAT LANGUAGE WOULD AFFECT GOM BEHAVIOIR. AGREEMENT TEXT, AS MEXDEL APPROACHES IT, MUST ALLOW FULL GOM AUTHORITY TO TAKE ARBITRARY AND CAPRICIOUS ACTION, THE EFFECT OF WHICH MAY BE TO EXCLUDE OUR FISHERMEN FROM THE ZONE IN THE SECOND OR THIRD YEAR OF AN AGREEMENT. THEIR ATTITUDE DOES NOT LEAD ME TO BELIEVER THAT THE LOOPHOLES THEY DEMAND WOULD NOT BE USED.

3. AN EXAMPLE: IN THE ARTICLE ON FEES, MEXDEL REFUSED TO ACCEPT OBLIGATION TO IMPOSE QUOTE REASONABLE FEES UNQUOTE. MEXDEL STATED THAT IMPLICATION IN SUCH A FORMULATION IS THAT U.S. BELIEVED GOM WOULD IMPOSE UNREASONABLE FEES AND WAS POLITICALLY UNACCEPTABLE. IN ANY EVENT, THEY POINTED OUT FEES WOULD BE SET IN ANNEX TO AGREEMENT AND U.S. WOULD NOT AGREE TO UNREASONABLE FEES. USDEL POINTED OUT THAT ALL OF OUR COASTAL AGREE-
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MENTS WILL USE THAT FORMULATION BECAUSE REASONABLE-
NESS IS THE PREMISE OF OUR BILATERAL FISHERIES RELATIONSHIPS. I POINTED OUT ANNEX WAS FOR ONE YEAR WHILE AGREEMENT IS FOR SEVERAL, AND CONSEQUENCE OF U.S. REFUSAL TO AGREE TO FEE DEMANDED BY GOM IN SECOND YEAR MEANT EXCLUSION OF OUR FISHERMEN. MEXDEL REPLIED THAT A FEW WAS A DETERRENT METHOD TO REDUCE THE AMOUNT OF FISHING AND WOULD BE USED FOR THAT

PURPOSE.

4. ACCORDINGLY, I AM CONCERNED THAT THERE MAY BE AN UNDERLYING DIVERGENCE OF PURPOSE BETWEEN THE TWO GOVERNMENTS. WE CAN PAPER OVER THE QUESTION OF GOOD FAITH AND REACH AN AGREEMENT WITH SERIOUS LOOPHOLES, BUT IT WILL ONLY DELAY VERY SERIOUS PROBLEMS A SHORT TIME.

5. I PLAN TO PROCEED AS FAR AS POSSIBLE ON LAST DAY NEGOTIATIONS, LEAVING A WORKING TEXT OF AGREEMENT WITH BRACKETED LANGUAGE AS NECESSARY. ENTIRE USDEL AND UNIFIED INDUSTRY REPS BELIEVE WE SHOULD NOT BE STAMPEDED INTO WEAK AGREEMENT OR ACCEPT GOM POSITIONS BECAUSE OF JULY 31 GOM ENFORCEMENT DATE. ON THE WHOLE, INDUSTRY REPS BELIEVE THEIR LONG TERM INTEREST IS BETTER SERVED BY VOLUNTARILY REFRAINING FROM FISHING IN GOM ZONE WHILE NEGOTIATIONS PROCEED TO MAKE HASTE SLOWLY. WHILE THERE IS A RISK OF INCIDENT IN THE INTERIM, I WILL SEEK AGREEMENT TO MEET AGAIN IN EARLY AUGUST.

6. WILL ARRIVE WASHINGTON 4:30 P.M., JULY 23 AND BE AVAILABLE FOR BRIEFINGS THEN OR SATURDAY MORNING, AS DESIRED.
JOVA

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